

Winfield Scott to Andrew Jackson, October 4, 1817, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

BRIGADIER-GENERAL WINFIELD SCOTT TO JACKSON.¹

¹ Parton (*Jackson*, II. 377), who seems to have no more of this letter than the extracts in Mansfield's *Life of Scott*, p. 171, tells the reader that Scott's reply was "candid, courteous, and explicit". He overlooked the fact that it was condescending and contentious. However, it did not justify Jackson's blustering reply of Dec. 3, 1817. Before accepting the idea that Jackson's side of the controversy was discreditable, we should remember that duels in general grew out of distorted egoism and that little can be said to show that one is better than another. Compare the Decatur-Barron correspondence in *Niles' Register*, Apr. 8, 1820, pp. 98–107. Jackson undoubtedly wrote his letters to Scott with a duel in mind. The letter given here is in the Jackson MSS.

New York, October 4, 1817.

Sir, I have the honour to acknowledge the receipt of your letter of the 8th ultimo, together with the two papers therein enclosed.

I am not the author of the miserable and unmeaning article copied from "The Columbian", and (not being a reader of that Gazette) should probably never have heard of it, but for the copy you have sent me. And whilst on the subject of *writing* and *publishing*, it may save time, to say, at once, that, with the exception of *the substance* of two articles which appeared in "The Enquirer", last fall, and a journal kept whilst a prisoner in the hands of the enemy, I have not written, nor caused any other to write a single line for any Gazette whatever, since the commencement of the late war.

Library of Congress

Conversing with some two or three private gentlemen, about as many times, on the subject of the Division Order, dated at Nashville, April the 22nd, 1817, it is true, that I gave it as my opinion, that that paper was, as it respected the future, mutinous in its character and tendency; and, as it respected the past, a reprimand of the Commander-in-Chief, the President of the U. States; for altho' the latter be not expressly named, it is a principle well understood, that the War Department, without, at least, his *supposed* sanction, cannot give a valid command to an ensign.

I have thus, sir, frankly answered the queries addressed to me, and which were suggested to you by the letter of your anonymous correspondent; but on a question so important, as that which you have raised with the War Department, or in other words with the President of the U. States; and in which I find myself incidentally involved, I must take leave to illustrate my meaning a little; in doing which I shall employ almost the precise language which was used on the occasions above alluded to.

Take any three officers. Let A be the common superior, B the intermediate commander and C the common junior. A wishes to make an order which shall affect C. The good of the service, etiquette and courtesy, require, no doubt, that the order should pass thro' B, or, if expedition and the dispersed situation of the parties make it necessary to send the order direct to C (of which necessity A is the judge)—the good of the service, etiquette and courtesy require, with as little doubt, that A notify B thereof, as soon as practicable. Such notice, of itself, has always been held, as sufficient, under the circumstances last stated. But we will suppose that A sends the order direct to C, and neglects to notify B thereof; and such appears to be the precise case alluded to in the order before cited. Has B no redress against this irregularity? He may, unquestionably remonstrate with A, in a respectful manner, and if remonstrance fail, and there be a higher military authority than A, B may appeal to it for redress. Now, in the case under consideration, there existed no such higher authority; the War Department, or in other words, *the President*; being the common superior (A), and the general of division the intermediate commander (B). A private and

Library of Congress

respectful remonstrance, therefore, appears to have been the only mode of redress which circumstances admitted of. An appeal to the army or the public, before or after such remonstrance, seems to have been a greater irregularity than the measure complained of; to reprobate that measure, publicly, as the Division Order does, was to mount still higher in the scale of indecorum; but when the order goes so far as to prohibit to all officers in the division an obedience to the commands of the President of the U. States, unless received thro' division Head Quarters it appears to me, that nothing but mutiny and defiance can be understood or intended.

There is another view of this subject which must have escaped you, as I am persuaded there is not a man in America less disposed to shift responsibility from himself, to a weaker party, than yourself. Suppose the War Department, by order of the President, sends instructions direct to the commanding officer, perhaps, a captain, at Natchitoches (a post within your division) to attack the body of Spanish royalists nearest to that frontier. If the Captain obeys, you arrest him; but if in compliance with your prohibition he sets the commands of the President at naught, he would find himself in direct conflict with the highest military authority under the Constitution, and thus would have to maintain against that "fearful odds" the dangerous position laid down in your order. Surely this consequence could not have been foreseen by you when you penned that order.

I must pray you to beleive, sir, that I have expressed my opinions on this great question, without the least hostility to yourself, personally, and without any view of making my court in another quarter, as is insinuated by your anonymous correspondent. I have nothing to fear or hope, from either party. It is not likely that the Executive will be offended at the opinion, that *it* has committed an irregularity in the transmission of one of its orders; and, as to yourself, altho' I cheerfully admit that you are my *superior*, I deny that you are my *commanding* officer, within the meaning of the 6th article of the rules and articles of war. Even if I belonged to your division, I should not hesitate to repeat to you all that I have said, at any time, on your subject, if a proper occasion offered; and, what is more, I should expect your approbation; as, in my humble judgment, refutation is impossible. As you do

Library of Congress

not adopt the imputations contained in the anonymous letter, a copy of which you enclosed me, I shall not degrade myself by any further notice of it.

I have just shown the article from "The Columbian" to some military gentlemen of this place, from whom I learn, that it was probably intended to be applied to a case which has recently occurred at West Point. The writer is supposed to proceed upon a report (which is nevertheless beleived to be erroneous) that Brig. General Swift had orders from the War Department, more than a twelve month since, to remove Captain Partridge from the Military Academy,² and that he suppressed those orders, etc. The author is beleived to be a young man of the army, and was at the time of publication in this city, but not under my command,

² Capt. Alden Partridge was a professor in the Military Academy at West Point from 1813 to 1816 and its superintendent for a part of 1817; afterward he founded the American Literary, Scientific, and Military Academy at Norwich, Vt. (now Norwich University), and various other such schools.

and with whom I have never had the smallest intimacy. I forbear to mention his name, because it is only known by conjecture.

I have the honour to remain, Sir,

[*Indorsement:*] Recd. by J. M. G.³ on the 22d Oct 1817 and delivered by him to Major Genl. Jackson 1st. Decr. 1817 he having been absent until that time, the answer enclosed by J. M. G. to Mr. Thos. R. Mercier (of N York) on the 5th. Decr.

³ J. M. Glassell was Jackson's secretary at this time.